

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

UNITED STATES COMMODITY FUTURES)	
TRADING COMMISSION,)	
)	Case No. 3:15-cv-424-RJC-DSC
Plaintiff,)	
)	
v.)	
)	
THE TULVING COMPANY, INC. and)	
HANNES TULVING, JR.,)	
)	
Defendants.)	
)	

**UNOPPOSED MOTION FOR SUPPLEMENTAL ORDER ASSESSING RESTITUTION
AND CIVIL MONETARY PENALTY AGAINST DEFENDANTS**

Pursuant to Local Rule 7.1, Plaintiff United States Commodity Futures Trading Commission (“CFTC” or “Commission”) respectfully moves the Court to enter the attached Supplemental Consent Order Assessing Restitution and Civil Monetary Penalty Against Defendants The Tulving Company, Inc. and Hannes Tulving, Jr. (collectively, “Defendants”)

On September 11, 2015, Plaintiff United States CFTC filed a Complaint against Defendants for Permanent Injunction, Civil Penalties, and Other Equitable Relief, for violations of the Commodity Exchange Act (“Act”), 7 U.S.C. §§ 1-26 (2012), and the Commission’s Regulations (“Regulations”) promulgated thereunder, 17 C.F.R. §§ 1.1-190.10 (2013). (Docket Entry (“D.E.”) #1)

On January 5, 2016, the Court entered a Consent Order of Permanent Injunction (“Initial Consent Order”). (D.E. #11) In the Initial Consent Order, Defendants admitted to all of the relevant facts and conclusions of law alleged in the Complaint. The Initial Consent Order

imposed a permanent injunction against further violations of Section 6(c)(1) of the Act and Regulation 180.1 as alleged in the Complaint.

The Initial Consent Order also imposed a permanent trading ban and directed Defendants to pay restitution and a civil monetary penalty. However, the Initial Consent Order did not set forth the amounts of these monetary sanctions. Instead, the Initial Consent Order provided that the amount of monetary sanctions was to be determined by agreement of the parties or by the Court if no agreement was reached. The parties have reached an agreement as to the amount of monetary sanctions to be paid by the Defendants. The terms of that agreement are in the Supplemental Consent Order Assessing Restitution and Civil Monetary Penalty Against Defendants (“Supplemental Consent Order”), filed herewith.

The Defendants and their attorney, and Plaintiff Commission through its counsel, have all agreed to and executed the Supplemental Consent Order.

WHEREFORE, the Plaintiff United States CFTC respectfully requests that the Court grant this Unopposed Motion and enter the attached Supplemental Consent Order.

Dated: August 14, 2018

Respectfully submitted,

s/Luke Marsh
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